

HOUSE BILL 2125

By McDonald

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 11, Part 8, relative to nursing home  
standards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 8, is amended by  
adding the following new section:

Section \_\_\_\_\_. As used in this part, unless the context requires otherwise:

(1) "Day shift" means the period of time from 7:00 a.m. to 3:00 p.m.;

(2) "Direct-care staff" means any nurse aide or licensed nurse providing  
direct, hands-on care to nursing home patients;

(3) "Evening shift" means the period of time from 3:00 p.m. to 11:00 p.m.;

(4) "Midnight census" means the number of patients occupying nursing  
home beds in a nursing home facility at midnight of each day;

(5) "Night shift" means the period of time from 11:00 p.m. to 7:00 a.m.;

and

(6) "Nurse aide" means any person who meets the requirements  
according to regulations adopted pursuant to 42 C.F.R. § 483.75(e).

SECTION 2. Tennessee Code Annotated, Section 68-11-803(b)(9), is amended by  
deleting the language of the subdivision in its entirety and substituting instead the following:

(9) The nursing home shall maintain the following minimum direct-care  
staffing-to-patient ratios:

(i) One (1) direct-care staff to every eight (8) patients during the day shift. Of this direct-care staff, there shall be at least one (1) licensed nurse to every forty (40) patients;

(ii) One (1) direct care staff to every twelve (12) patients for the evening shift. Of this direct-care staff, there shall be at least one (1) licensed nurse to every forty (40) patients; and

(iii) One (1) direct-care staff to every sixteen (16) patients for the night shift. Of this direct-care staff, there shall be at least one (1) licensed nurse to every eighty (80) patients;

SECTION 3. Tennessee Code Annotated, Section 68-11-803(b), is amended by adding the following language as new, appropriately designated subdivisions:

( ) Licensed direct-care staff shall be included in the computation of direct-care staff-to-patient ratios even while serving in a staffing capacity that requires less education and training than is commensurate with professional licensure;

( ) All direct-care staffing-to-patient ratios shall be based on the midnight census for the day on which a shift begins;

SECTION 4. Tennessee Code Annotated, Section 68-11-803(c)(22), is amended by deleting the language "nurse assistant" and substituting instead "nurse aide".

SECTION 5. Tennessee Code Annotated, Section 68-11-804(c)(15), is amended by deleting the language "nurse assistant" and "nurse assistant's" in each instance and substituting instead "nurse aide" and "nurse aide's".

SECTION 6. This act shall take effect July 1, 2009, the public welfare requiring it.